

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL FRANCISCO, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

ABENGOA, S.A., SANTIAGO SEAGE, MANUEL  
SANCHEZ ORTEGA, BARBARA ZUBIRIA and  
IGNACIO GARCIA ALVEAR,

Defendants.


Case No. 1:15-cv-06279 (ER)

**NOTICE OF MOTION TO DISMISS PLAINTIFFS' CLAIMS UNDER SECTION 11  
AND SECTION 15 OF THE SECURITIES ACT**

PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law, the February 25, 2020 Declaration of Richard A. Rosen, the February 25, 2020 Declaration of Sally Burke, and the exhibits attached thereto, and all other papers herein, Defendants HSBC Securities (USA) Inc., Canaccord Genuity LLC, Merrill Lynch International, and Société Générale, shall move this Court, before the Honorable Edgardo Ramos, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 619, New York, NY 10007-1312, on a date and at a time to be determined by the Court, for an order dismissing with prejudice the claims asserted under Section 11 and Section 15 of the Securities Act of 1933 in Plaintiff's Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the claims as to Defendant Merrill Lynch International for failure to serve and insufficient service pursuant to Federal Rule of Civil Procedure 12(b)(5), and for such other relief as the Court may deem just and proper.

Dated: February 25, 2020  
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard A. Rosen", written over a horizontal line.

Richard A. Rosen  
Edward C. Robinson Jr.  
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